



## **Case Summary**

Billie Ray Adams appeals the denial of his motion to correct erroneous sentence.

We affirm.

### **Issue**

Adams raises five issues. We address the dispositive issue, which is whether the trial court properly denied Adams's motion to correct erroneous sentence.

### **Facts**

On September 16, 1972, Adams was convicted of two counts of first-degree murder and was sentenced to life imprisonment. Since his conviction, Adams repeatedly has been denied parole.

On May 18, 2006, Adams filed motion to correct erroneous sentence. On June 1, 2006, the State responded. That same day the trial court denied Adams's motion. Adams now appeals.

### **Analysis**

Adams appears to argue that by denying him parole, the parole board has effectively turned his sentence of life imprisonment into a sentence of life without parole or a death sentence under the 1977 amendments to the sentencing statutes. See Appellant's Br. p. 9 ("As shown below, the administrative branch of government in unison with the judicial branch and the victims have erroneously increased appellant's sentence to his detriment and to a sentence different than that imposed at trial.") He argues that because the State has essentially resentenced him pursuant to the amended sentencing statutes, he should be officially resentenced under that sentencing scheme.

Adams's argument is based on comments made by parole board members and newspaper articles long after he was sentenced in 1972. He does not argue that his sentence is facially invalid.

In Robinson v. State, 805 N.E.2d 783, 787 (Ind. 2004), our supreme court explained the appropriate use of a motion to correct erroneous sentence. The court clarified:

When claims of sentencing errors require consideration of matters outside the face of the sentencing judgment, they are best addressed promptly on direct appeal and thereafter via post-conviction relief proceedings where applicable. Use of the statutory motion to correct sentence should thus be narrowly confined to claims apparent from the face of the sentencing judgment, and the "facially erroneous" prerequisite should henceforth be strictly applied . . . . We therefore hold that a motion to correct sentence may only be used to correct sentencing errors that are clear from the face of the judgment imposing the sentence in light of the statutory authority. Claims that require consideration of the proceedings before, during, or after trial may not be presented by way of a motion to correct sentence.

Robinson, 805 N.E.2d at 787.

Adams states that his "direct appeals and Post-Conviction Relief remedies are over." Appellant's Br. p. 20. He urges that we consider the claims raised in his motion to correct erroneous sentence because he raises "a sentencing issue." Appellant's Reply Br. p. 6. Nevertheless, because Adams's motion requires consideration of proceedings after trial, his claims may not be presented by way of a motion to correct erroneous sentence. See Robinson, 805 N.E.2d at 787. The trial court properly denied Adams's motion to correct erroneous sentence.

## **Conclusion**

The trial court properly denied Adams's motion to correct erroneous sentence.

We affirm.

Affirmed.

BAILEY, J., and VAIDIK, J., concur.